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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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UNITED STATES OF AMERICA,
Plaintiff,
v.
DENISE NIRSCHL,
Defendant.

CASE NO. CR 01-372 Z

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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INTRODUCTION

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I conducted a hearing on alleged violations of supervised release in this case on August 10, 2005. The United States was represented by Jeffrey Coopersmith. The defendant was represented by Suzanne Elliott. The proceedings were recorded on disk.

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CONVICTION AND SENTENCE

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Defendant had been convicted of Bank Fraud on or about February 22, 2002. The Hon. Thomas S. Zilly of this court sentenced Defendant to 15 days of confinement, followed by 5 years of supervised release.

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The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

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DEFENDANT'S ADMISSION

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USPO Felix Calvillo alleged that Defendant violated the conditions of supervised release in two respects:

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1 (1) Failing to follow the instructions of the probation officer by not reporting the first
2 Wednesday of every month in December 2004, and January, February, April 2005, in
3 violation of standard condition No. 3; and
4 (2) Failing to make \$100.00 restitution payment on June 1, 2005, in violation of the
5 general condition of supervision and special condition No. 5.

6 At an initial hearing, I advised the defendant of these charges and of her constitutional rights. At
7 today's hearing Defendant admitted the violations #1 and 2, waived any hearing as to whether they
8 occurred, and consented to having the matter set for a disposition hearing before the Hon. Thomas
9 S. Zilly.

10 RECOMMENDED FINDINGS AND CONCLUSIONS

11 Based upon the foregoing, I recommend the court find that Defendant has violated the
12 conditions of her supervised release as alleged; and set the matter for a disposition hearing.

13 Defendant has been released pending a final determination by the court.

14 DATED this 11th day of August, 2005.

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19 Monica J. Benton
United States Magistrate Judge

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21 cc: Sentencing Judge : Hon. Thomas S. Zilly
22 Assistant U.S. Attorney : Jeffrey Coopersmith
23 Defense Attorney : Suzanne Elliott
24 U. S. Probation Officer : Felix Calvillo
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